



Entered on Docket
September 13, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

**USA COMMERCIAL MORTGAGE
COMPANY,**

Debtor.

Case No. BK-S-06-10725-LBR
Chapter 11

**Order Sustaining First Omnibus Objection
Of USACM Trust To Proofs Of Claim
Based Entirely Upon Investment In The
Palm Harbor One Loan**

Hearing Date: August 30, 2011
Hearing Time: 10:30 a.m..

The Court having considered the "First Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The Palm Harbor One Loan," ("Palm Harbor Loan") [DE 8593] (the "Objection"); the Court having heard the Objection on August 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders' right to repayment by the borrower or from the collateral securing the Palm Harbor Loan; and good cause appearing:

1 **IT IS ORDERED** that:

2 1. The Objection [DE 8593] is sustained; and

3 2. The claims listed on **Exhibit A** attached are disallowed in full because those
4 claims are based entirely upon an investment in the Palm Harbor Loan.

5
6 PREPARED AND RESPECTFULLY SUBMITTED BY:

7
8 **LEWIS AND ROCA LLP**

9 By /s/ John Hinderaker (AZ #018024)

10 Robert M. Charles, Jr.

11 John Hinderaker (*pro hac vice*)

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16 *Attorneys for USACM Liquidating Trust*

1 LOCAL RULE 9021 CERTIFICATION

2 In accordance with LR 9021, counsel submitting this document certifies that the order
3 accurately reflects the court's ruling and that (check one):

4 _____ This Court has waived the requirement set forth in LR 9021(b)(1).

5 XXX No party appeared at the hearing or filed an objection to the motion.

6 _____ I have delivered a copy of this proposed order to all counsel who
7 appeared at the hearing, and any unrepresented parties who appeared
8 at the hearing, and each has approved or disapproved the order, or
9 failed to respond, as indicated below [list each party and whether the
10 party has approved, disapproved, or failed to respond to the
11 document]:

12 Counsel appearing: _____

13 _____ I certify that this is a case under Chapter 7 or 13, that I have served a
14 copy of this order with the motion pursuant to LR 9014(g), and that
15 no party has objected to the form or content of the order

14 U.S. Trustee: _____	
15 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
16 <input checked="" type="checkbox"/> waived the right to review the 17 order and/or	<input type="checkbox"/> failed to respond to the document
18 Other Party: _____	
19 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
20 <input type="checkbox"/> waived the right to review the 21 order and/or	<input type="checkbox"/> failed to respond to the document

22 Submitted by:
23 LEWIS AND ROCA LLP

24 By: /s/ John Hinderaker. (AZ #018024)
25 Attorneys for USACM Liquidating Trust

26 # # #

**USACM Trust
Palm Harbor One, LLC
Single Loan Claims**

Claim	Date Claim was Filed	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Palm Harbor One Loan
10725-00611	10/16/2006	Acosta, Celso	9061 Black Elk Ave Las Vegas, NV 89143-1180	52,906.93	52,906.93
10725-02371	1/16/2007	Aquino, John P & Lisa	2950 Cabrillo San Francisco, CA 94121-3532	50,000.00	50,000.00
10725-00932	11/2/2006	Bennett, Alan	14225 S Whisperwood Dr Reno, NV 89521	50,000.00	50,000.00
10725-00439	10/4/2006	Brice, Charles	785 Winchester Dr Reno, NV 89506	50,000.00	50,000.00
10725-00389	10/2/2006	Caroline Gerwin Family Trust Dtd 11/2/95	C/O Caroline M Gerwin Trustee 3201 Plumas St #377 Reno, NV 89509-4788	330,000.00	330,000.00
10725-00986	11/3/2006	Chai Miller LLC	P.O. Box 36703 Las Vegas, NV 89133	558,063.48	558,063.48
10725-00554	10/12/2006	Cunningham, Charles D & Susan M	1964 Oliver Springs St. Henderson, NV 89052-8502	80,000.00	80,000.00
10725-01157	11/10/2006	Everett, Dan & Sandra M	921 Crystal Court Foster City, CA 94404	50,000.00	50,000.00
10725-01347	11/13/2006	Fanelli, John & Iodi	47 Barrett Rd Greenville, NH 03048-3305	150,000.00	150,000.00
10725-01341	11/10/2006	Fanelli, John J & Gina A	27 Larch St Fitchburg, MA 01420-2009	500,000.00	500,000.00
10725-00229	9/25/2006	Graham, William L & Wilta L	3124 Queens Gate LN Modesto, CA 95355-8684	50,000.00	50,000.00

EXHIBIT A

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